

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 749 – HB 693

March 25, 2013

SUMMARY OF ORIGINAL BILL: Requires that a party asserting or claiming that a parent's disability renders the parent unfit or otherwise incapable of satisfying the physical, emotional, educational, or psychological needs of the minor child in a child custody proceeding or a proceeding to modify a prior custody decree or permanent parenting plan must establish by clear and convincing evidence that the disability of that parent poses a substantial risk of harm to the health or safety of the minor child. If the court finds that the parent does pose a risk of harm to the minor child, the court must make specific findings of fact and conclusions of law regarding the court's decision. Requires that all child protective service investigators, family service workers and case managers employed with the Department of Children's Services (DCS); all judges and referees, whether part-time or full-time, with family law, domestic or juvenile jurisdiction; and all Rule 31 Listed Family Mediators are required receive annual training which addresses the issues and concerns of disabled parents. Requires at least half of this annual training to be conducted by disabled parents.

FISCAL IMPACT OF ORIGINAL BILL:

Increased State Expenditures - \$36,000

Increased Federal Expenditures - \$44,500

SUMMARY OF AMENDMENT (005321): Prohibits the disability of a parent seeking custody from creating a presumption for or against awarding custody to such party but allows the disability to be a factor considered by the court.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

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Assumptions for the bill as amended:

- Under current law, in a suit for annulment, divorce, separate maintenance, or in any other proceeding requiring the court to make a custody determination regarding a minor child, the court must make its decision based on the best interests of the child. The court is required to consider specified factors including the mental and physical health of the parents or caregivers.
- Current law prohibits the gender of a party seeking custody from giving rise to a presumption of parental fitness or causing a presumption or constituting a factor in favor or against the award of custody to the party. This prohibition is not removed by the bill.
- The Department of Children's Services (DCS) and the Administrative Office of the Courts will not be required to provide annual training.
- According to the Administrative Office of the Courts, the fiscal impact on judicial resources related to caseloads and proceedings will be not significant.
- It is estimated that the fiscal impact on DCS will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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